

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MIRIAM OSORIO,

Plaintiff,

v.

TCV COMMUNITY SERVICES;
RICHARD WHITE; DAWN BERARDO;
ASHLEY LEONARD BRINKMAN; and
CAPITAL HEALTHCARE
SOLUTIONS, INC.,

Defendants.

2:19-CV-660-NR

ORDER ADOPTING REPORT & RECOMMENDATION (ECF 168)

Before the Court is Magistrate Judge Kelly's Report and Recommendation (ECF 168), recommending that the Court grant Defendants' summary judgment motions. Ms. Osorio, proceeding *pro se*, filed objections to the R&R. ECF 169. After carefully considering the record and upon a *de novo* review of the R&R, the Court overrules Ms. Osorio's objections and adopts Magistrate Judge Kelly's R&R. A few words about the objections:

Ms. Osorio objects that Judge Kelly's report was not "prompt" enough. ECF 169, p. 2. Even if this were a valid objection, the Court finds that a four-month period to consider two pending summary judgment motions and issue a comprehensive 33-page R&R was prompt action by Judge Kelly.

Ms. Osorio also objects to several discovery-related issues that are either untimely or have already been addressed by Judge Kelly and by this Court. *Id.* at pp. 3-4. These untimely or resolved discovery issues cannot serve as a basis to undo summary judgment.

Finally, Ms. Osorio identifies a series of alleged disputed facts, which she argues precludes summary judgment on her Title VII claims. *Id.* at pp. 4-5. However, Ms. Osorio does not cite specific record evidence to support these facts. But even if these facts were supported, they would not change the R&R's analysis. That is, they would neither create a genuine dispute nor establish that TCV or the individual Defendants 'employed' Ms. Osorio, which Judge Kelly rightly found to be the fatal flaw of Ms. Osorio's Title VII claims. ECF 168, pp. 24-29.

Therefore, for these reasons, the objections are overruled, and the Report and Recommendation is adopted as the opinion of the Court. Both summary judgment motions are **GRANTED** as to all claims. A separate judgment order follows.

DATE: April 25, 2022

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge